G.R.S. IX—5]

Previous references.
Confdl. Collection No. 314.
CB. 36-17-24-26
CB. 36-17-1-6
CB. 199-14-1-4

1922-23 (CB)

File No. 204/22

Serial Nos. 1 to 3

Later references.
CB. 291-22-1 to 10 (Confdl)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 3

Part B for June 1923

SUBJECT

Recruitment to the grade of Munsiffs

To

The Registrar, Chief Court of Mysore
two 3981 Dy 9-1-23

States that no test for registration of candidates eligible for appointment as Munsiffs need be held in future so long as the competitive examination for Munsiffs is held in abeyance & requests to be favoured with a revised scheme of recruitment to the grade of Munsiffs.

Printed on the Multigraph.

CB. 1415(a)

G. R. S. III-2]

General and R
Secretaria

MEMO OF INTERVIEW WITH THE DEWAN.

Friday ~~Saturday~~,.....1920..

G.P. 261

Name of Interviewer— 10.11.22.

Representation in brief—

(*

31. All urgent or confidential files returned with H Highness' orders may, in, t absence of instructions or in cations to the contrary, be or narily circulated to the Me bers of Council for perusal af the issue of orders.

33. The Secretaries concer ed should see that orders the cases referred to above a issued at once and that t files are returned immediate after to the Chief Secretary f circulation to the Members.

34. In all other cases, t files will first be circulated the Members of Council headquarters and then se to the Secretariat concern for the issue of orders.

We have an Ex.(Comp.) ...or perusal of
Appeal - last
Month - 4/6 *
Rules 31, 33 and

Who make the calls Council in the
included -
& included 6
Candidates -

...ry to Govt.

Chief Secy 4
10.11

Refer also the
letter re 4/3/21
of Raghunath
Rao.

C.B. 4/11

a note

NOTE—Contn. sheet

Fair Order

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The papers re the appointment of Mr. D. Raghavendra Rao as Munsiff are submitted. (Ch 48-22-S(1)).

B. The Protection Branch may be kindly asked to furnish information re Munsiffs' examination held 8 months ago.

Submitted.
Asst 13.11.22.

To the Supdt, Govt Secretariat with Compliments for kindly putting up the papers regarding the Competitive Exam. referred to.

Though the Competitive Exam. for Munsiffs must have been held in abeyance.

13/11/22

13/11

Asked

There is no information in the Branch about this. The Chief Court seems to have held an examination, but the Branch has no reference on the subject.

13/11/22

The Competitive Examn has been ordered to be held in abeyance

13/11

Sealed Cover in the Collection Contains Since

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1415(a)

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Information about the Exams conducted by the Ch Court.

MW
24/11/22. Please put up the subsidy file
No J. 2643 - Cts 199-14-4 of the
25th Jan 1917. I believe one or
two exams were held under it
& the results were reported to
Govt and the lists were published
with the remark "that as vacancies
occurred from among them
in the order of their rank" etc.
There must be a file in which
the report was recorded.

MW
14/11

C

The references required are put up.
Only one exam. was held in April 1918.
The names of the first 3 candidates were
notified published in July 1918. Subsequently
on a reference from the Chief Court,
the names of the other successful
candidates also were published in August
1918.

D

submitted
MW
17/11/22.

[redacted]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

(3

(20)

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. [illegible] of 19

Serial No.

Subd with all connected papers.

~~Secn Ch~~ Refce: is invited to the Sealed Cover in Ch's file 48-22-1 (Flag B) which is said to contain some notifn about the examn held by the Chief Court recently. The results have not been published. Whether they were intimated to the Candidates by the Chief Court will ~~have~~ be ascertained, if so directed.

Concd[illegible]

7/4

Please peruse the notes below the competitive exam is abolished. 2. Hitherto the Chief Court called for applns from candidates for Munsifs appointments in Nov 1921. Please put up copies of notifn.

7/4

7/4

The Gazette containing the Chief Court notifn no. D. Dis. 40 dt 21-22 dt 7.11.21 is put up.

The file collection containing letter no G. 23147/Ch 176-18-3 dt 11.4.19 directing that the holding of a competitive examn be deferred for the present is put up for reference in the linked file.

Submitted.

20/11/22.

Removed & placed in the file

Removed & placed in the file

W

NOTE—Contn. sheet.

(4

G. R. S. III-2]

General and Revenue Secretariat.

CB File No. [illegible] of 19[illegible] 1415(a)

Serial No.

The competitive Exam[n] for the selection of Municips, prescribed under the G.O. of 25 June 1917 was ordered to be held in abeyance in April 1919.

Meanwhile numerous applications for law parwats during which candidates eligible for Municips' appointments, & in doing so, stated that no applicants' name would be entered in the Register unless he satisfy the Govts, & on the results written oral tests or otherwise as the Govts might determine, with regard to his general character & legal knowledge

× Vide scale of exam in G.S. File 48-22

B

This is referred to in the Chief Judges' Confl. No. dated 4-8-22 in connection with the last appointment of Munsiff — Apparently the results were not published nor communicated to candidates

by 21/11

Dewan,

I think the Chief should be demi-officially asked, if a Competitive Ex. was held upon why the results were not published nor communicated to candidates.

Please submit to Govt

22.11

(Govt Members)

NOTE—Contn. sheet.

(5

1415(a)

G. R. S. III-2]

General and Revenue Secretariat.

CB File No. 2014 of 1922

Serial No.

may also be asked whether candidates for the examination if any were called, who were disqualified for the examination and how many were declared by them selected for posting as Sub-Judges in their experience such as place [illegible] applied to them whether that application for the same and ready will appear to the candidates already in the list.

Illegible

23/11/22

Draft D.O. Subd...

Illegible

24/11/22

For approval

Second Member

24/11/22

Copied

Illegible

25/11

3336

25-11-22

27-11-22

To

The Registrar, Chief Court, D.O. No 3364 & 27.11.22.

Enquires whether any written or oral test was held by the judges of the Chief Court as referred to in para 3 of the Chief Court notifn. D. Dis No 40 of 1921-22 & 4.11.22 for applications from candidates eligible for the Munsiffs place and calls for information on certain points.

NOTE—Contn. sheet.

To The Chief Secy.
with compliments
B 1-12-22

C.B.-1665 (6)
C.B. 704

CHIEF COURT OF MYSORE

Bangalore, dated 30th November 1922

Dear Mr. Venkoba Rao,

I am desired to acknowledge the receipt of your D.O. No.3364/C.B. dated the 27th instant, requesting to be furnished with information regarding any examination held for the selection of candidates for Munsiffs' places.

Submitted for perusal (with previous papers) by 1/12/22 2nd Member Sewell

I am to state in reply that since the Government have desired in their letter No.G.23147-Cts.176-18-3 dated the 11th April 1919, that the holding of a competitive -- examination for the selection of Munsiffs may be deferred for the present pending consideration of the general question of recruitment, there has been no idea of holding any such examination, if that is the purpose of your enquiry.

This Court's Notification of the 7th November 1921 was issued in connection with the revision and bringing -- up-to-date of the list or register of eligible candidates that is being maintained in the Chief Court, on which there were just then only two names remaining out of those already selected. In preparing this list, as the Government are doubtless aware, applications both from officials in service and from practising law graduates are taken into consideration. Many of the applications are, as a rule, from persons about whose general abilities and special aptitude -- for judicial office the Chief Court has no information; and as it is manifestly impossible for the Judges, especially when the number of applicants is large, to interview all of them personally, it is necessary to have some test, - however simple and informal, by which the Judges may --- satisfy themselves about a particular applicant's prima facie fitness to be included in the list of eligible candidates

candidates for Munsiffs' appointments. This was the main object of the test contemplated in the Notification, rather than any idea of instituting a formal - competitive examination; and it was given effect to by requiring each candidate to write a short and clear judgment upon materials furnished to him (pleadings, evidence and exhibits, and reference books)

Besides the two candidates already on the list --- who, it may here be mentioned, have already acted as Munsiffs on more than one occasion, and about whose eligibility the Judges have satisfied themselves by a perusal of the judgments written by them in a number of cases --- twelve candidates applied in response to the Notification. Two of them had to be eliminated, as their applications were not in proper form, and one of them was, besides, over age, and the other wrote a very bad hand. Out of the ten candidates remaining, all but one underwent the test. Only three of them, however, came fully up to the mark, and these have been included in the list of eligible candidates, immediately after the two candidates already on the list. A fourth candidate (a non-brahmin), whose performance, though -- passable, was not very accurate, has also been provisionally included in the hope that he may with a little more experience and knowledge at the bar become fully eligible for selection. The candidates have been arranged as far as possible in an order of merit, determined by the quality of their performance.

As regards "publication of the results", I am to point out that since the list maintained is a confidential one, meant solely for the information and use of the --- Judges of the Chief Court in the discharge of their ---

statutory

statutory duty of selecting a proper person for nomination whenever the appointment of a Munsiff has to be made, and, since, as indeed explicitly mentioned in para 4 of the -- Notification inviting applications, "the inclusion of an applicant's name therein does not carry with it any promise or assurance of selection", the Judges see no particular reason why any results should be "published" or "communicated to the candidates concerned" --- a proceeding which, besides being open to other objections, ~~will~~ may only lead to the raising of false hopes. The case is different from that of a formal competitive examination in which candidates have a guarantee of appointment by Government, should they come out successful and within the number required; under present circumstances there is no such guarantee, and the Chief Court reserves its right of nomination till it is actually exercised in each case.

Yours Sincerely,

Registrar.

1655
1415 (2)

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19 .

Serial No.

Mr Secy
Lewis)

Mr
4/12/22

I quite agree. The matter may be considered in C — The chief consideration is day the last. Machinery gets terribly behind just now, & creates a situation of uncertainty which is likely to be prejudicial to the public interest.

EJ
5.12

Encl. back
5/12

NOTE—Contn. sheet.

(10

For Disposal at a Meeting)

No. C. 242

.....D.....1922-3

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ix of the schedule.)

Competitive examination for recruitment to the grade of Munsiffs.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

6th December 1922

Chief Secretary to Government.

Extraordinary Member of Council.

4695-187
6.12.22.

First Member of Council.

8.12.22

Second Member of Council.

Third Member of Council.

(11)

Extract from the Proceedings of the 534th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 14th December 1922. *19* .

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159. Subject. - .Clause ix of the schedule.

Competitive Examination for recruitment to the Grade of Munsiffs.

OPINION OF THE COUNCIL.

The Chief Court may be informed that no such test for the selection of eligible candidates need be held in future so long as the competitive examination is held in abeyance and the Judges may be requested to submit a revised scheme for recruitment to the Grade of Munsiffs for the consideration of Government.

(Signed) A. R. BANERJI,

DEWAN OF MYSORE.

"EXTRACT"

B. Venkoba Rao
16/12/22

Chief Secretary to Government.

WD 433—GPB—1,000—1-9-20

C 242 (12

G. R. S. III-21

General and Revenue Secretariat. | C/5 File No. of 19

Serial No.

Subject.

Competitive Examination for recruitment to the grade of Munsiffs.

Extract from the Proceedings of the Council is submitted.

SECOND MEMBER.

13/12/22

4073

F.N. signed by the Member

20/12/22

S.N. Submitted

21.12.22

21/12/22

NOTE—Contn. sheet.

(13

Final Note by the Second Member of Council.

Subject :—

COMPETITIVE EXAMINATION FOR RECRUITMENT TO THE GRADE OF MUNSIFFS.

In February 1919 the Chief Court proposed to hold a competitive examination under the scheme sanctioned in Government Order No.J.2643-Courts 199-14-4 dated 25th January 1917 for the selection of candidates for appointment as Munsiffs and suggested certain changes in the Rules of Recruitment. As the question of the representation of backward communities in the public service had then been referred to a Committee and the revision of the Rules of Recruitment for the Mysore Civil Service was also under consideration it was decided to defer the holding of a Competitive Examination for the recruitment of Munsiffs and the Chief Court were informed accordingly.

In November last representations were made to the Dewan that in spite of this decision of Government a notification had been issued by the Chief Court on the 7th of that month inviting applications for registration as candidates eligible for appointment as Munsiffs on the result of written or oral tests or otherwise as the Judges might determine. An enquiry was therefore made whether any written or oral test was held under this Notification and if so on what authority and with what result. The Chief Court have replied that no formal competitive examination was contemplated in this Notification and that the candidates that applied were merely asked to write judgments upon materials furnished to them with a view to test their ability and make a selection from among them for maintaining a list of candidates eligible for appointment as Munsiffs and that the results of the Examination were not published as the list maintained is a confidential one meant solely for the information & use

(14

of the Judges.

When the papers came before me I recorded the following minute:-

"The distinction drawn between the competitive examination sanctioned under the rules of 1917 & the present examination held by the Chief Court is more nominal than real. Under the old rules too the the appointments were not guaranteed. Candidates passing the examination had to wait for vacancies and they actually did wait. Under the present notification too the candidates have to wait. Under the former system, the candidates had this advantage viz., they knew where they stood, but under the present system they will be utterly in the dark as regards their future prospects. A candidate who has appeared for an examination, or a test as the Chief Court call this examination, should know I think whether he has fair prospects of entering the service or not or in the words of the Chief Court whether he has satisfied the Judges of the Chief Court as regards his eligibility to the Munsiff's appointment and whether his name has been entered in the register or not. If he is not told that his performance at the examination has not been satisfactory, he will naturally think that his name has been entered in the list and the Chief Court would be raising 'false hopes' in his mind, which as they state is their object to avoid. There is no doubt that the effect of the recent examination held by the Chief Court is an evasion of the order issued by the Government to hold the competitive examination in abeyance. They were distinctly told in the Govern-ment Order dated the 11th April 1919 (Collection No.314) that pending final orders on the question of holding a competitive examination, the Chief Court may exercise their power of nomination under the Chief Court Regulation as hithertofore. The examination held by the Chief Court is irregular and contravenes the express instructions given to them under the order mentioned above. The results too should have been published".

The matter was considered at a meeting of Council and they are of the opinion that -

"The Chief Court may be informed that no such test for the selection of eligible candidates need be held in future so long as the competitive examination is held in abeyance and the Judges may be requested to submit a revised scheme for recruitment to the grade of Munsiffs for the consideration of Government".

The resolution of the Council may be graciously approved.

Bangalore,
20th December 1922.

MEMBER OF COUNCIL.

(16

G. R. S. IV—6]

Submitted to His Highness.

I submit herewith a Final Note by the...SECOND...

Member of Council on the subject of...Competitive...

Examination for recruitment to the Grade of Munsiffs,

.....

for His Highness' gracious approval. Reference is invited to my minute dated 5.12.22

Dewan.

22 DEC 1922

(17)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of holding competitive examination for recruitment to the grade of Munsiffs.

5/12

Order.

~~KRW~~

23/12/22

Chief secy should like to see the draft before it goes up

W 30/12/22

Minister, whose business it is, & the two members concerned

Dewan 9.1

C242

(18

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. of 19

Serial No.

Competitive examination for recruitment to the grade of Munsiffs.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders $\frac{\text{before}}{\text{after}}$* issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

3/1/23

Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

5466-1/1
5.1.23

FIRST MEMBER OF COUNCIL

6-1-23

4337
3.1.23

SECOND MEMBER OF COUNCIL

THIRD MEMBER OF COUNCIL.

NOTE—Contn. sheet.

3364/CB.204 27/11/22

Dear Mr. Srinivasa Raghavachar,

I am desired to invite kind reference to the Chief Court notification ~~Xxx~~ D_1 Dis. No.40 of 1921-22, dated 7th Novr. 1921, ~~regarding~~ calling for applications from candidates eligible for the Munsiff's place and to request to be informed whether any written or oral test as referred to in para 3 thereof was held by the Judges. If so, information on the following points may kindly be furnished:--

(1) Under what authority the examination was held.

(2) Who all appeared for the examination and how many of them were declared to have satisfied the Judges.

(3) ~~What is the respective rank of the candidates, firstly with regard to those that applied for the examination and secondly with regard~~ to the candidates already in the list.

(4) Whether the results of the examination were published and communicated to the candidates concerned. If not why not

Government would be glad if the information could be furnished as early as practicable.

Yours sincerely,

24/11/22

General Secretary.

To

A. Srinivasa Raghavachar, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

3983/CB104-22-3 9.1.23.

To

The Registrar,
Chief Court of Mysore.

Sir,

With reference to correspondence ending with your letter dated 30th November 1922 regarding the test held by the Judges of the Chief Court for registration of candidates eligible for appointment as Munsiffs, I am directed to state that no such test need be held in future so long as the competitive examination for Munsiffs is held in abeyance

Government will be glad if the Judges ~~could send up~~ will favour them with a revised scheme of recruitment to the grade of Munsiffs for consideration, at a very early date

I have, etc.,

8/1

Chief ~~Secretary~~ Secretary.

3/1/2